

REMARKS

Claims 2, 4 and 53-70 remain pending in the present application.

As an initial matter, Applicants note that this is the second consecutive Restriction Requirement which the Examiner has issued.

On November 2, 2005, the Examiner issued a Restriction Requirement, in which he required Applicants to elect a single disclosed species. The Examiner indicated that claim 2 was generic to a plurality of species, but did not identify the subject matter which he considered to comprise separate species.

On November 10, 2005, Applicants' U.S. representative conducted an interview with the Examiner to discuss the Restriction Requirement. During the interview, the Examiner explained that he considers the following groups of claims to be directed to separate species:

- I) Claims 60-64;
- II) Claims 4, 56, 59 and 65-68;
- III) Claims 53 and 57; and
- IV) Claims 54, 55 and 58.

On December 2, 2005, Applicants filed an Election in which they added claim 69, which depends on claim 56, and elected, with traverse, the species comprising claims 2, 4, 56, 59 and 65-69.

The Examiner subsequently issued a second Restriction Requirement on January 23, 2006. In the Restriction Requirement of January 23, 2006, the Examiner identifies the following separate species, which differ from the species he identified during the interview of November 10, 2005:

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- I) Claims 4, 56, 59 and 66-68;
- II) Claims 4, 56, 60, 61, 65 and 69;
- III) Claims 53, 57 and 70;
- IV) Claims 54, 55 and 58; and
- V) Claims 62-64.

Applicants have elected Species I, comprising generic claim 2, and claims 4, 56, 59 and 66-68. However, the election is made with traverse for at least the following reasons.

Section 806.04(e) of the M.P.E.P. provides that claims are definitions of inventions, not species; species are always specifically different embodiments. Section 806.04(f) of the M.P.E.P. further provides that a restriction requirement to a single species may be proper when the species are mutually exclusive.

Applicants respectfully submit that the Examiner has not identified separate mutually exclusive embodiments. For example, claim 65 recites “managing, by a transmitting apparatus that transmits the storage identifier, receiving apparatus identifiers”. Applicants respectfully submit that such feature is disclosed, for example, in paragraph [0151] of the specification and illustrated in Figure 1.

Claim 66 recites “associating at least one storage identifier with at least one of content and a kind of content.” Applicants respectfully submit that such feature is disclosed, for example, in paragraph [0163] and illustrated in Figure 5, which shows details of the receiving apparatus control information management section 12 illustrated in Figure 1.

Claim 69 recites "wherein the transmitting apparatus transmit a receiving apparatus identifier that identifies at least one receiving apparatus." Applicants respectfully submit that such feature is disclosed, for example, in paragraphs [0154] to [0156] and illustrated in Figure 1.

Applicants respectfully submit that a single embodiment is disclosed which includes the features of claims 65, 66 and 69. Thus, Applicants respectfully submit that these features are not mutually exclusive, and submit that it is improper to restrict claims 65, 66 and 69 from each other.

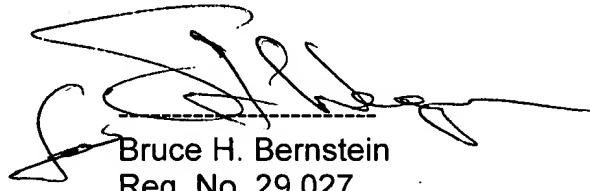
For at least these reasons, Applicants respectfully submit that the Restriction Requirement of January 23, 2006 is improper, and respectfully request the Examiner to withdraw the requirement.

Nevertheless, in order to be fully responsive, Applicants have elected with traverse Species I, comprising claims 2, 4, 56, 59 and 66-68, in the event that the Examiner does not reconsider and withdraw the restriction requirement of January 23, 2006.

Furthermore, regardless of whether the Examiner chooses to withdraw the restriction requirement, Applicants respectfully request the Examiner to provide an Office Action on the merits of Applicants' claims as soon as possible, as the Examiner has not provided Applicants with an Office Action on the merits since June 6, 2005.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Takumi IKEDA et al.

A handwritten signature in black ink, appearing to read 'Bruce H. Bernstein', is written over a horizontal dashed line.

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